

Debates 1849, Education, Art 1X

REPORT OF THE DEBATES IN THE CONVENTION OF CALIFORNIA
ON THE FORMATION OF THE STATE CONSTITUTION IN SEPTEMBER
AND OCTOBER, 1849 BY J. ROSS BROWNE

Exhibit Research Report

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ARTICLE IX OF THE CONSTITUTION. "EDUCATION." SECTION TWO. FUNDS FOR EDUCATION.

Provides for income from the sale or rent of both state and federal education lands to go into education fund, together with the money from intestate estates and the interest accrued.

Some delegates believe the fund provided is too large. Others believe that no amount is too large for public education.

**Good quotes, applicable today.

McCarver: "Some of the ablest men we have in the United States are men from the poorest origin, who have had their minds opened to the advantages of knowledge by public schools. Educate the children of this country, and you will find in the halls of the Legislature of California men, able statesmen too, of the poorest origin." p. 203

Semple: "If the people are to govern themselves they should be qualified to do it; they must be educated; they must educate their children; they must provide means for the diffusion of knowledge and the progress of enlightened principles." p. 204

Sherwood: Must limit fund in case it becomes necessary to direct money to another portion of government. To prevent the "wheels of government" from stopping. p. 204

When the Committee on the Constitution reports this section to the House, debate again arises concerning the size of the school fund. The section as written by the Committee provided a fund for education in California that was larger than most states. Section Two went beyond that required by federal law--500,000 acres of public domain granted by Congress, and the 16th sections of townships--but it also contained a proviso allowing the legislature to appropriate excess funds not needed for education. An amendment was proposed in the Committee of the Whole that would strike out the proviso so that the fund would remain untouchable. The amendment was debated in the House, decided in the affirmative by a vote of 26 to 10, and Section Two was adopted as amended. pp. 346-54

RQ- Some delegates were afraid that the federal government would locate the 500,000 acres for education in the mines. What was the federal law or requirement regarding education funds in the various states? Did the feds always reserve mineral lands from public domain? See Muhn's History of BLM.

Many good quotes regarding the benefits of public education in California, the lack of it in 1849, and the dangers of allowing the Legislature to appropriate monies from that fund for other purposes. Applicable to present budget crisis and cuts to education.

In favor of proviso allowing Legislature to appropriate-
 Sherwood: "It is true we will have many children here; but if you make your fund unwieldy, you offer inducements to men to put their hands in it." p. 346

Steuart: "I am opposed to tying up all the revenues of this State to one special purpose, however praiseworthy that purpose may be." p. 352

Opposed to proviso allowing Legislature to appropriate-

Lippitt: "The very fact that California offers such a munificent fund for that purpose, will be an inducement to a most valuable class of population to come here--families with children." p. 346

McCarver: "I never expect to live to see the time when that fund will be too large." p. 348

Gwin: "[T]his, I trust, will prove to be one of the most munificent school funds known to the world. . . . I believe the people would rather be taxed than have this fund infringed upon to support the government." p. 348

Semple: "I enter my protest against touching a single dollar of that fund." p. 349

Halleck: "It is known to the members of this House that families in California now who wish to educate their children, are obliged to send them to the United States, or Chili, or Peru; that there are no schools here suited to the higher branches of education. . . . Let us lay the foundation here for an economical government; and if the new government is obliged to support itself by raising a fund out of the pockets of the people, it will be an economical government. They cannot get it from the General [Federal] Government, or if they do, they will not get any too much. But if you place every source of revenue in the hands of the Legislature, the result will be extravagance and bankruptcy." p. 350

Hoppe: "I think our object should be to provide a fund sufficient for the education of every child in California. . . . The fund that will be created by the donation of that land for school purposes will be a munificent one, and the system that will be established under it, will be such as to draw the attention of every part of the world to this state." "But, sir, never let it be put in the hands of the Legislature. You know not who may constitute that Legislature. It may be constituted of men who are regardless of education; who are not sensible of the great advantages that must arise from an enlightened state of society. . . ." p. 351

McDougal: "We can create no fund too large for the purpose of education. I call upon my old bachelor friends to support this if they want wives, for it will introduce families into this country." p. 353

Vermeule: "I am proud, sir, to be a member of this body when I see the general disposition to stamp upon the Constitution of California this feature which will make it a mark of admiration for the civilized world, to provide the means of education for the present and for the generations yet to come."

p. 353

RQ- Where did the Californios, such as Vallejo and Carrillo, and pre-statehood Americans, such as Larkin and Stearns, educate their children?

ARTICLE IX OF THE CONSTITUTION. "EDUCATION." SECTION THREE.
SYSTEM OF COMMON SCHOOLS.

School districts must keep up and support their schools at least three months in every year, or lose their portions of the fund.

Debate regarding amendment to increase period to six months.

**Good quotes. Applicable today.

Gwin: "The limit of three months was put in to meet a defective system in the management of the school fund in some of the States. The school fund arising from the 16th section [federal education lands] has been entirely squandered and lost, from a want of a proper administration of the fund."

p. 206

The section was adopted as reported to the House. The three month time period was not increased.

p. 354

On October 10, Article IX (all sections) was read a third time and passed without debate.

p. 458